

NOTICE OF INTENT TO COMMENCE A PUBLIC IMPROVEMENT PROJECT TO  
RECONSTRUCT AND WIDEN NE 36<sup>TH</sup> STREET FROM JUST EAST OF N ANKENY  
BOULEVARD TO JUST WEST OF NE DELAWARE AVENUE WITHIN ANKENY, IOWA  
AND TO ACQUIRE PROPERTY FOR THE PROJECT

TO:

Central Iowa Hospital Corporation	Briarwood Golf Course of Ankeny, LLC
Sherman Hills Real Estate Partnership	Townhomes of Bentgrass Association
Woodland Reserve Homes, LLC	R Michael Knapp (Trustee)
Greenview Crossing Master Association, Inc.	

Under the provisions of Iowa Code Sections 6B.2A and 6B.2B, a governmental body which proposes to acquire property under power of eminent domain for a public improvement project is required to give notice of intent to commence the project to all property owners whose properties may be acquired in whole or in part for the project.

**1. DESCRIPTION OF THE PROJECT; INTENDED USE OF PRIVATE PROPERTY TO BE ACQUIRED.**

**NOTICE IS HEREBY GIVEN** to the above-identified property owners that the City of Ankeny, Iowa will consider authorizing the commencement of the reconstruction and widening of NE 36<sup>th</sup> Street from just east of N Ankeny Boulevard to just west of NE Delaware Avenue.

Properties acquired for the project will be used for the grading, drainage, and sidewalk construction associated with the project and for the street right-of-way.

**2. PRIVATE PROPERTY MAY BE ACQUIRED BY PURCHASE OR CONDEMNATION.**

If the above-described project is approved by the City Council, the City of Ankeny will be required to acquire property for the project improvements. Upon review of Polk County property records, it appears that properties or portions of properties owned by the above-identified persons may have to be acquired for the project. The City of Ankeny will attempt to purchase the required property by good faith negotiations, and it may condemn those properties which it is unable to purchase. The proposed location of the above-described public improvement is shown on a conceptual drawing of the project which is now on file in the office of the City of Ankeny and available for public inspection.

**3. CITY OF ANKENY'S PROCESS TO DECIDE TO PROCEED WITH THE PROJECT AND TO ACQUIRE PROPERTY; CITY COUNCIL'S ACTION REQUIRED TO PROCEED WITH THE PROJECT; OPPORTUNITY FOR PUBLIC INPUT.**

The City of Ankeny has provided funding to study, plan and construct this project, as well as funding to acquire any property that may be needed for the project. City staff has analyzed conceptual design options for how to proceed with this project. The studies and planning have reached the point where conceptual designs now indicate that certain property may need to be acquired. Any public comment will be considered in preparing the detailed designs, particularly as private property may be affected.

In making the decision to proceed with the above-described project and to acquire property and property interests, the City Council is required to hold a **public hearing**, giving persons interested in the proposed project the opportunity to present their views regarding the project, and regarding the proposed acquisition of property for the project. **The public hearing on the project will be held on the 4<sup>th</sup> day of April, 2016, in Ankeny City Hall at 410 West First Street, Ankeny, Iowa, commencing at 5:30 p.m.** In order to proceed with the above-described project and commence the acquisition of property for the project, the City Council will be required to approve the project and authorize acquisition of private property for the project by City Council resolution. The City Council is scheduled to consider adoption of the resolution initiating the above-described project following the public hearing.

If the project is approved by the City Council, an appraiser will determine the compensation to be paid for property interests that are needed for the project. The City of Ankeny will offer no less than the appraised value and will attempt to purchase the needed property by good faith negotiations. If the City of Ankeny is unable to acquire properties needed for the project by negotiation, the City of Ankeny will acquire those properties by condemnation.

#### **4. STATUS OF PROJECT PLANNING.**

The above-described project is proposed to be funded in Fiscal Years 2017 and 2018.

#### **5. STATEMENT OF RIGHTS**

Just as the law grants certain entities the right to acquire private property, you, as the owner of property, have certain rights. You have the right to:

- (a) Receive just compensation for the taking of property. (Iowa Const., Article I, Section 18)
- (b) An offer to purchase which may not be less than the lowest appraisal of the fair market value of the property. (Iowa Code §§ 6B.45, 6B.54)
- (c) Receive a copy of the appraisal, if an appraisal is required, upon which the acquiring agency's determination of just compensation is based not less than ten (10) days before being contacted by the acquiring agency's acquisition agent. (Iowa Code § 6B.45)
- (d) When an appraisal is required, an opportunity to accompany at least one appraiser of the acquiring agency who appraises your property. (Iowa Code § 6B.54)
- (e) Participate in good faith negotiations with the acquiring agency before the acquiring agency begins condemnation proceedings. (Iowa Code § 6B.3(1))
- (f) If you cannot agree on a purchase price with the acquiring agency, a determination of just compensation by an impartial compensation committee and the right to appeal its award to district court. (Iowa Code §§ 6B.4, 6B.7, and 6B.18)
- (g) A review by the compensation committee of the necessity for the condemnation if your property is agricultural land being condemned for industry. (Iowa Code § 6B.4A)
- (h) Payment of the agreed-upon purchase price, or if condemned, a deposit of the compensation commission award before you are required to surrender possession of the property. (Iowa Code §§ 6B.25 and 6B.54(11))
- (i) Reimbursement for expenses incidental to transferring title to the acquiring agency. (Iowa Code §§ 6B.33 and 6B.54(10))
- (j) Reimbursement of certain litigation expenses: (1) if the award of the compensation commissioners exceeds 110 percent of the acquiring agency's final offer before condemnation; and (2) if the award on appeal in court is more than the compensation commissioner's award. (Iowa Code § 6B.33)
- (k) At least ninety (90) days written notice to vacate occupied property. (Iowa Code § 6B.54(4))
- (l) Relocation services and payments, if you are eligible to receive them, and the right to appeal your eligibility for and amount of payments. (Iowa Code 316.9)

The rights set out in this Statement are not claimed to be a full and complete list or explanation of an owner's rights under the law. They are derived from Iowa Code Chapters 6A, 6B, and 316. For a more thorough presentation of an owner's rights, you should refer directly to the Iowa Code or contact an attorney of your choice.

This Notice is given by authority of the City of Ankeny.

/s/   
Mark Mueller, P.E., Director of Public Works

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